

Applying the test in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006) and given defendants' response at Dkt. 540, the motion to seal is GRANTED as to the portions of Exhibit A that defendants request to be redacted and DENIED otherwise. The Clerk of Court is respectfully directed to terminate the motion at Dkt. 535.

VIA ECF

May 2, 2025

The Honorable Arun Subramanian
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St., Courtroom 15A
New York, NY 10007

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: May 20, 2025

Re: *United States et al. v. Live Nation Entertainment, Inc., et al.*, No. 1:24-cv-3973-AS

Dear Judge Subramanian:

Plaintiffs seek the Court's leave to file under seal a letter-motion relating to discovery and scheduling issues (the "Letter-Motion") and accompanying Exhibits and to file a redacted version of the Letter-Motion on the public docket. Contemporaneous with the filing of this letter-motion, and in accordance with Paragraph 11(c)(iii) of the Court's Individual Practices and Paragraph 9 of the Protective Order, ECF No. 213, Plaintiffs are (1) publicly filing on ECF a copy of the Letter-Motion with proposed redactions and (2) filing under seal on ECF an unredacted copy of the Letter-Motion and Exhibits A and B.

Plaintiffs Seek Provisional Redaction of the Letter-Motion and Provisional Sealing of Accompanying Exhibits in According with the Amended Protective Order

Plaintiffs request provisional redaction of the Letter-Motion because it describes deposition testimony that Defendants have provisionally designated as Highly Confidential under the Amended Protective Order. Similarly, Plaintiffs request leave to file Exhibits A and B provisionally under seal because Defendants have designated both documents as Confidential under the Amended Protective Order. On May 2, Defendants confirmed they maintain their confidentiality designations of this information.

Defendants Must Overcome the Presumption of Public Access to Justify Any Continued Redaction of the Letter-Motion and Sealing of the Exhibits

Plaintiffs request redaction of the Letter-Motion and sealing of Exhibits A and B because of Defendants' confidentiality designations. "The burden of demonstrating that a document submitted to a court should be sealed rests on the party seeking such action," *DiRussa v. Dean Witter Reynolds Inc.*, 121 F.3d 818, 826 (2d Cir. 1997), and sealing "should not be done without a compelling reason," *City of Hartford v. Chase*, 942 F.2d 130, 135 (2d Cir. 1991). Defendants accordingly bear the burden of showing the material warrants sealing.

If Defendants maintain that Exhibits A and B and the redacted portion of the Letter-Motion warrant continued sealing, then Plaintiffs request, pursuant to Individual Practices ¶ 11(C)(i), that Defendants be required to file a letter-motion to seal within three business days "explaining the need to seal or redact the document." Plaintiffs also respectfully request an opportunity to respond to any letter-motion to seal filed by Defendants. Should Plaintiffs oppose any relief sought by Defendants, Plaintiffs request 3 business days to file such opposition.

Respectfully submitted,

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